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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

RYAN MICHAEL MORRISON,

Defendant and Appellant.

D053187

(Super. Ct. Nos. SCD204961
& SCD208017)

APPEAL from a judgment of the Superior Court of San Diego County, Charles G. Rogers, Judge. Affirmed.

In superior court case No. SCD204961, Ryan Michael Morrison entered negotiated guilty pleas to first degree burglary (Pen. Code, §§ 459 & 460, subd. (a))¹ and arson of an inhabited dwelling (§ 451, subd. (b)). Under the plea bargain, the prosecution agreed to dismiss six other felonies and five allegations that Morrison was armed with a firearm within the meaning of section 12022, subdivision (a)(1). The parties stipulated to an eight-year prison term.

¹ Statutory references are to the Penal Code.

In superior court case No. SCD208017, Morrison entered negotiated guilty pleas to grand theft of a firearm (§ 487, subd. (d)(2)) and burglary of a motor vehicle (§ 459). Under the plea bargain, the prosecution agreed to dismiss eight other felonies. The parties stipulated to a prison sentence of 16 months to be served concurrently with the sentence in superior court case No. SCD204961.

After denying Morrison's motion to withdraw his guilty pleas, the trial court sentenced him in accordance with the plea bargains.

FACTS

On February 19, 2007, Morrison burglarized a residence and then set it on fire.

At about 4:30 a.m. on July 27, 2007, San Diego State University police officers on routine patrol noticed Christopher Costa in the courtyard of an apartment complex near the campus. Given the time, the officers thought Costa's presence was odd and when they went around the block to further investigate, they observed Costa crouching near the front of a grey Toyota Scion, which was parked in a resident parking stall. Morrison was the registered owner of the Scion. The officers contacted Costa, who agreed to speak with them. The officers believed that Costa was under the influence of methamphetamine; he acted nervous and was fidgeting and his eyes were bloodshot. Costa told the officers the Scion belonged to a friend. Costa, who did not have identification, gave the officers a false name. One of the officers noticed that the hood of the Scion was ajar by two inches and opened the hood to check for tampering. Instead, the officer found a loaded .22 caliber rifle strapped to the inside of the engine compartment. Costa, who had a set of keys to the Scion, was placed under arrest.

Incident to the arrest, the officers conducted a search of the vehicle and found burglary tools and stolen items. Officers remaining at the scene conducted surveillance of the Scion. Morrison returned to the Scion, and when he noticed officers there, he attempted to flee before he was arrested.

Among the items recovered from the Scion was a Walgreen's bag containing a Department of Motor Vehicles registration card and a Chevron gas card belonging to Cara Hanelin. These items as well as her iPod were taken from her vehicle sometime between 1:15 a.m. and 3 p.m. on July 27. The vehicle burglary was tied to Morrison.

DISCUSSION

Appointed appellate counsel has filed a brief setting forth evidence in the superior court. Counsel presents no argument for reversal, but asks that this court review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to as a possible, but not arguable, issue: whether the trial court erred by denying Morrison's motion to change his plea.

We granted Morrison permission to file a brief on his own behalf. He has not responded.

A review of the record pursuant to *People v. Wende, supra*, 25 Cal.3d 436 and *Anders v. California, supra*, 386 U.S. 738, including the possible issue referred to by appellate counsel, has disclosed no reasonably arguable appellate issue. Competent counsel has represented Morrison on this appeal.

DISPOSITION

The judgment is affirmed.

BENKE, Acting P. J.

WE CONCUR:

HUFFMAN, J.

HALLER, J.